

NOV 23 1998



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/126,559 07/30/98 CAPON

D 50130-E/JPW

0232/0819

ALBERT WAI KAT CHAN
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

NOT ASSIGNED

1643

DATE MAILED:

08/19/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☐ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required:

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

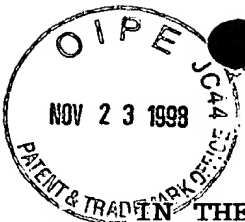
Customer Service Center
Initial Patent Examination Division (703) 308-1202

FORM PTO-1533 (REV. 9-97)

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Best Available Copy

11/27/1998 09:00:00 0915160 05-04-98



Section

Dkt. 50130-E/JPW/AKC/JSG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel J. Capon, Jeannette M. Whitcomb and
Neil T. Parkin

U.S. Serial No.: 09/126,559

Filed : July 30, 1998

For : Compositions And Methods For Determining
Anti-viral Drug Susceptibility And
Resistance And Anti-viral Drug Screening

11/27/1998 ASELLN 00000050 09126559

02 FC:215

55.00 00

1185 Avenue of the Americas
New York, New York 10036
November 18, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231

Attn.: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO NOTICE
TO FILE MISSING PARTS OF APPLICATION-FILING
DATE GRANTED AND PETITION FOR ONE-MONTH EXTENTION OF TIME**

This Communication is in response to the Notice to File Missing Parts of Application - Filing Date Granted issued by the U.S. Patent and Trademark Office on August 19, 1998 in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. A response to the Notice was due October 19, 1998. Applicants request a one month extension of time under 37 C.F.R. § 1.136(a). The surcharge for a one month extension of time under 37 C.F.R. § 1.17 (a) (1) and in compliance with 37 C.F.R. § 1.63 for a small entity is FIFTY-FIVE DOLLARS (\$55.00) and a check in this amount is enclosed. Accordingly, this Communication is being timely filed. See the executed Verified Statement Claiming Small Entity Status filed on July 30, 1998 in connection with the subject application, a copy of which is attached hereto as **Exhibit B**.

In response to the Notice, applicants submit herewith as **Exhibit**

Applicants: Daniel J. Capon, Jeannette M. Whitcomb and
Neil T. Parkin
U.S. Serial No.: 09/126,559
Filed: July 30, 1998
Page 2

C an original, executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the above-identified application's serial number and filing date. The surcharge for submitting a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 for a small entity is SIXTY FIVE DOLLARS (\$65.00), and a check in this amount is enclosed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$65.00 surcharge and \$55.00 for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Albert Wai Kit Chan

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Albert Wai Kit Chan 11/18/98
Albert Wai-Kit Chan Date
Reg. No. 36,479

John P. White
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